



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

November 7, 1961

Honorable Robert S. Calvert
Comptroller of Public Accounts
Austin, Texas

Opinion No. WW-1188

Re: Pre-existing law for
appropriation to the
Red River Authority.

Dear Mr. Calvert:

You have requested our opinion on whether there is pre-existing law for the appropriation contained in Senate Bill 1, Acts of the 57th Legislature, First Called Session, to the Red River Authority on pages 138-139 of the Supplement to the Senate Journal and reading as follows:

"For the Years Ending
August 31, August 31,
1962 1963

There is hereby appropriated
and there shall be paid to the
Red River Authority out of any
moneys in the General Revenue
Fund not otherwise appropriated,
which sums shall be used for
defraying any expenses necessary
to the management of the affairs
of the district, the sum of \$ 50,000 U.B.
The Red River Authority shall
repay said amount to the State
out of the proceeds of the first
bonds issued by said Authority."

Your specific question reads as follows:

"Please advise if there is sufficient pre-existing law for me to issue my warrant in the amount of \$50,000.00 in favor of the Red River Authority."

Section 59 of Article XVI of the Constitution of Texas provides in part:

"There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law."

Section 1 of Article 8280-228, Vernon's Civil Statutes, provides as follows:

"Pursuant to and as expressly authorized by Article XVI, Section 59 of the Constitution of the State of Texas, there is hereby created within the State of Texas, in addition to the conservation and reclamation districts into which the state has heretofore been divided, a conservation and reclamation district to be known as 'Red River Authority of Texas' (hereinafter referred to as the 'Authority'), which shall be a governmental agency of the State of Texas, a body politic and corporate."

The Red River Authority being created as a governmental agency of the State of Texas pursuant to the expressed authority in Section 59 of Article XVI of the Constitution of the State of Texas, you are advised that Section 1 of Article 8280-228, quoted above, constitutes the pre-existing law for the appropriation referred to in your request.

Section 17 of Article 8280-228 provides:

"For the purpose of providing funds requisite to secure the necessary studies, engineering and other services which may be necessary, the collection and computation of data respecting regional and general conditions influencing the character and extent of the improvements necessary to effect the purposes of the creation of this Authority to the greatest public advantage, it is hereby provided that the Authority may solicit, seek and accept contributions to its funds from any other district, authority or municipality, the Federal Government

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or the State of Texas, or from any other source. Any and all grants and gratuities shall be strictly accounted for and shall be subject to the same rules, regulations and orders as are other funds handled or disbursed by the Authority."

In view of the provisions of Section 17, Article 8280-228, you are advised that said Article constitutes sufficient pre-existing law for you to issue a warrant in the amount of \$50,000.00 in favor of the Red River Authority as provided in Senate Bill 1, Acts of the 57th Legislature, First Called Session.

S U M M A R Y

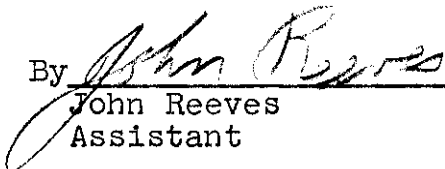
Section 59 of Article XVI of the Constitution of Texas and Article 8280-228, Vernon's Civil Statutes, constitute sufficient pre-existing law authorizing the Comptroller of Public Accounts to issue a warrant in the amount of \$50,000.00 in favor of the Red River Authority as provided in the current General Appropriation Act.

Very truly yours,

WILL WILSON
Attorney General of Texas

JR:dhs;lgh

By


John Reeves
Assistant

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman

Marvin Thomas
Phillip A. Nelson, Jr.
Jack N. Price
Dudley D. McCalla

REVIEWED FOR THE ATTORNEY GENERAL
BY: Houghton Brownlee, Jr.